

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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R.H. MANDEVILLE, )  
Petitioner, )  
v. )  
LUIS SPENCER, )  
Respondent. )  
\_\_\_\_\_  
)

) Civil Action No.  
14-12220-FDS  
)

**ORDER**

**SAYLOR, J.**

This is a petition for a writ of habeas corpus by a prisoner in state custody. Petitioner Rae Herman Mandeville was convicted on June 15, 1977, of murder in the first degree and armed assault with intent to murder. He was sentenced to concurrent prison terms of life for murder and eighteen to twenty years for armed assault with intent to murder. Proceeding *pro se*, he now seeks habeas relief pursuant to 28 U.S.C. § 2254. Respondent Luis Spencer moved to dismiss the petition as time-barred under 28 U.S.C. § 2244(d), or in the alternative, for a more definite statement.

On July 23, 2015, the Court denied respondent's motion to dismiss, but granted his motion for a more definite statement, ordering that “[p]etitioner shall file a more definite statement with respect to the issues of timeliness and exhaustion for his petition, and adhere more closely to the standard-form petition.” (Docket No. 39). The deadline set by the Court for petitioner to file a more definite statement was September 30, 2015.

On September 17, 2015, petitioner sent respondent his revised petition for a writ of habeas corpus in response to the Court's order. However, for unknown reasons, the Court did not receive a copy.

By May 2016, the Court still had not received petitioner's response. Accordingly, on May 23, 2016, the Court—unaware that petitioner had provided respondent with his more definite statement—ordered petitioner to show cause why the matter should not be dismissed for failure to respond to a court order. On June 9, 2016, petitioner responded to the order, explaining that he had sent his revised petition to respondent. Respondent subsequently advised the Court that he had received petitioner's revised petition and assumed that the Court had also received a copy.

Accordingly, petitioner's response to the Court's July 23, 2015, order requiring him to file a more definite statement is hereby deemed to be filed in a timely manner as of June 17, 2016. Respondent is hereby ORDERED to respond to the revised petition for a writ of habeas corpus by August 17, 2016.

**So Ordered.**

Dated: June 17, 2016

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge